

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal Action

No. 18-292

ROBERT BOWERS,

Defendant.

Transcript of ARRAIGNMENT HEARING proceedings recorded on Thursday, November 1, 2018, in the United States District Court, 700 Grant Street, Pittsburgh, Pennsylvania, before The Hon. Robert C. Mitchell, United States Magistrate Judge

APPEARANCES:

For the Government: Soo C. Song, Esq.
 Troy Rivetti, Esq.
 United States Attorney's Office
 700 Grant Street, Ste. 4000
 Pittsburgh, PA 15219

For the Defendant: Elisa A. Long, Esq.
 Michael J. Novara, Esq.
 Federal Public Defender's Office
 1500 Liberty Center
 1001 Liberty Avenue
 Pittsburgh, PA 15222-3714

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Proceedings recorded by mechanical stenography; transcript produced by computer-aided transcription

P R O C E E D I N G S

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(10:06 a.m.; in open court, Defendant present with counsel:)

THE COURT: This is the arraignment in the case of the United States versus Robert Bowers at Criminal No. 18-292. Sir, are you Mr. Bowers?

THE DEFENDANT: Yes.

THE COURT: Mr. Bowers, are you represented by Mr. Novara and Miss Long?

THE DEFENDANT: Yes.

THE COURT: And Miss Song and Mr. Rivetti, you're appearing on behalf of the Government?

MS. SONG: Yes, Your Honor.

MR. RIVETTI: Yes, Your Honor.

THE COURT: Do you want to proceed to arraign the Defendant?

MS. SONG: Yes, Your Honor.

Mr. Bowers, have you received a copy of the indictment?

THE DEFENDANT: Yes.

MS. SONG: Have you had a chance to review it with your attorney?

THE DEFENDANT: Yes.

MS. SONG: In summary, on October 31, 2018, a

1 Federal Grand Jury sitting here in Pittsburgh, Pennsylvania,
2 in the Western District of Pennsylvania returned a 44-count
3 indictment against you. It charges a number of crimes.

4 Counts 1 through 11 charge you with a crime of
5 obstructing the free exercise of religious beliefs resulting
6 in the death of the 11 victims who are listed by their
7 initials.

8 Counts 12 through 22 charge you with using and
9 discharging a firearm to commit murder of the 11 victims
10 listed by their initials during and in relation to a crime of
11 violence.

12 Counts 23 and 24 charge you with obstructing the
13 free exercise of religious beliefs involving an attempt to
14 kill and use of a dangerous weapon resulting in bodily
15 injury. Those victims are listed by their initials.

16 Counts 25 and 26 and 36 through 44 charge use and
17 discharge of a firearm during and in relation to a crime of
18 violence. Those victims are listed by their initials.

19 Counts 27 through 34 charge obstruction of the free
20 exercise of religious beliefs involving an attempt to kill
21 and use of a dangerous weapon that resulted in bodily injury
22 to a public safety officer. Those victims are listed by
23 their initials.

24 And Count 35 charges the obstruction of the free
25 exercise of religious beliefs involving the use of a

1 dangerous weapon and resulting in bodily injury to a public
2 safety officer, with the victims also listed by their
3 initials.

4 Please take note that the indictment also contains
5 special findings that are listed as A through J in this
6 indictment pursuant to Title 18 United States Code Sections
7 3591 and 3592.

8 There is also an allegation of forfeiture.

9 MR. RIVETTI: Mr. Bowers, you are hereby advised
10 that, upon conviction, the possible penalties are as follows:

11 First, with respect to Counts 1 through 11, 23 and
12 24 and 27 through 34, which are the obstruction of free
13 exercise of religious beliefs resulting in death or involving
14 an attempt to kill, the possible penalties are:

15 First, a sentence of death, or a term of
16 imprisonment for any term of years or for life, a fine of not
17 more than \$250,000, and a term of supervised release of not
18 more than five years.

19 For Counts 23 and 24 and 27 through 35 which are
20 the obstruction of free exercise of religious beliefs
21 resulting in bodily injury or involving the use of a
22 dangerous weapon, the penalties are a term of prisonment of
23 not more than 20 years, a fine of not more than \$250,000, and
24 a term of supervised release of not more than three years.

25 Counts 12 through 22, which are the use and

1 discharge of a firearm to commit murder during and in
2 relation to a crime of violence, the penalties -- the
3 possible penalties upon conviction are:

4 A sentence of death or for a term of imprisonment
5 of not less than ten years and up to life. The term of
6 imprisonment imposed for these penalties cannot be imposed to
7 run concurrently with any other term of imprisonment.

8 In addition, for each second or subsequent
9 conviction of these offenses, the penalties that are possible
10 are:

11 A sentence of death, or a term of imprisonment of
12 not less than 25 years and up to life.

13 Finally, for Counts 25 and 26 and Counts 36 through
14 44, which are the use and discharge of a firearm during and
15 in relation to a crime of violence, the penalties are a term
16 of imprisonment of not less than ten years and up to life;
17 and again, for second or subsequent convictions, a term of
18 imprisonment of not less than 25 years and up to life.

19 Do you understand the possible penalties?

20 THE DEFENDANT: Yes.

21 MR. RIVETTI: Have you discussed the indictment
22 with your attorneys?

23 THE DEFENDANT: Yes.

24 THE COURT: Are you prepared to enter a plea at
25 this time?

1 MR. NOVARA: He is.

2 THE DEFENDANT: Yes.

3 THE COURT: How does he plead?

4 MR. NOVARA: As is typical in this stage of the
5 proceedings, I ask the Court to enter a plea of not guilty.

6 MR. RIVETTI: Does he also request a jury trial?

7 MR. NOVARA: Yes.

8 THE COURT: Thank you. The Defendant, Robert
9 Bowers, has entered a plea of not guilty November 1, 2018.
10 He's requested a jury trial.

11 Counsel's request for a 45-day period in which to
12 file pretrial motions has been granted. What is the status
13 of the Rule 16 material?

14 MR. RIVETTI: Your Honor, we are still
15 investigating the crime and gathering the evidence. We will,
16 within the five days required by the local rules, meet with
17 defense counsel and discuss what is available, and we'll
18 provide the materials we have right away.

19 If the Court wants, I can list the type of
20 materials that are available.

21 THE COURT: Mr. Novara, do you want them listed at
22 this point?

23 (Private discussion between Mr. Novara, Mr. Rivetti
24 and Ms. Song.)

25 MR. RIVETTI: I believe he indicated he did not

1 want me to list them.

2 MR. NOVARA: We'll be discussing that at the
3 appropriate --

4 THE COURT: Okay. If you believe that the
5 production is not as required, let us know, and we'll set it
6 for a hearing.

7 The case is assigned to Judge Ambrose. We'll
8 notify you of the trial date.

9 Mr. Rivetti, can you estimate the length of the
10 Government's case in chief?

11 MR. RIVETTI: Yes, Your Honor. The case as
12 charged, the Government's estimate would be three to four
13 weeks. If the Attorney General certifies this to be a
14 capital case, it would be longer.

15 THE COURT: Okay. Thank you.

16 I assume the Defendant's been processed by the
17 Marshals?

18 THE MARSHAL: He has, Your Honor.

19 THE COURT: And he is ordered detained. He will
20 remain in the custody of the Marshals.

21 Is there anything else that counsel wishes to
22 raise?

23 MS. SONG: No, Your Honor. Thank you.

24 MR. RIVETTI: No, Your Honor.

25 MR. NOVARA: No, Your Honor.

1 THE COURT: Okay. We'll recess.

2 MS. GALOVICH: All rise. This Honorable Court is
3 adjourned.

4 (Whereupon, these proceedings were concluded at
5 10:13 a.m.)

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C E R T I F I C A T E

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20 I, Deborah Rowe, certify that the foregoing is
21 a correct transcript from the record of proceedings in the
22 above-titled matter.

23

24 S/Deborah Rowe _____

25 Certified Realtime Reporter